

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 25 2022 ★

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

Plaintiff,

ENEKAN EDO

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

DEFENDANT,

OFFICER RESTAINO

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

**Complaint for Violation of Civil
Rights**

(Non-Prisoner Complaint)

Case No.

CV 22-1706

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

CHEN, J.

BLOOM, M.J.



NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☒ State or local officials (a § 1983 claim)
☐ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4th admendment = I was Accrested on my property
 14th Admendment = Officer Restiano New I
 did not have NO charges Against me

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

4th amendment = I was unlawfully
 arrested on my property

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

SEE ATTACH

- 1. On October 19, 2021 between the hours of 7am-10am, at 145-38 130th ave jamaica ny 11436 officer Restaino and a female officer from the 106th precinct in queens unlawfully came on my property.**
- 2. Officer Restaino said he has a warrant for my arrest but never showed it to me.**
- 3. I ask officer Restaino what am i getting arrested for, officer Restaino replied, "It doesn'tt matter your going to jail".**
- 4. I ask officer Restaino to get off my property because you don't have a warrant for my arrest officer Restaino then stated,"if you don't come out were gonna drag you out".**
- 5. Officer Restaino then called for back up a nypd patrol car came on the scene . It was a tall bald headed white male between the ages of 40-50**
- 6. When backup came i was frightened because all the officers had there hands are there gun. Officer Restaino then stated, "WERE GONNA COME IN AND DRAG YOU OUT IF YOU DON'T COOPERATE".**
- 7. Officer Restaino then proceeded with his other officers and open my door
And then locked me up on false charges.**



QUEENS CRIMINAL COURT

125-01 Queens Boulevard, Kew Gardens, NY 11415
 Phone: (718) 298-0792 Fax: (718) 520-2451

Court ORI: NY040033J

NO FEE

Non-Public
Version

The People of the State of New York
 vs.
Enekan Edo

Certificate of Disposition

Docket Number: **CR-021630-21QN**

CJTN: 069768850J
 NYSID: 00983240Z

Defendant DOB: 09/04/1986

Arrest Date: 10/19/2021

Arraignment Date: 10/19/2021

THIS IS TO CERTIFY that the undersigned has examined the files of the **Queens Criminal Court** concerning the above entitled matter and finds the following:

Count #	Charge	Charge Weight	Disposition	Disposition Date
1	PL 120.00 01 AM Aslt 3-W/Int Cause Phys Injury **SEALED 160.50**	AM	Dismissed (Speedy Trial (CPL 170.30 (1)(e)), Sealed 160.50)	01/25/2022
2	PL 240.26 01 V Harassment-2nd:Physical Contact **SEALED 160.50**	V	Dismissed (Speedy Trial (CPL 170.30 (1)(e)), Sealed 160.50)	01/25/2022

Charge Weight Key: I=Infraction; V=Violation; AM, BM=Class Misdemeanor; UM=Unclassified Misdemeanor; AF, BF, CF, DF, EF=Class Felony

Dated: **March 2, 2022**


 Chief Clerk/Clerk of the Court

CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40—including any appearing on this certificate of disposition—are vacated, dismissed, sealed, and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise—unless specifically required or permitted to do so by statute. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law, in connection with the licensing, employment or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. [Executive Law § 296 (16)]

Charges may not be the same as the original arrest charges.

CPL 160.50: All official records (excluding published court decisions or opinions or records and briefs on appeal) related to the arrest or prosecution on file with the Division of Criminal Justice Services, any court, police agency or prosecutor's office shall not be available to any person or public or private agency.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>ENEKAN EDO</u>
Street Address	<u>145-38 130th Ave</u>
City and County	<u>JAMAICA NY 11436</u>
State and Zip Code	<u>New York 11436</u>
Telephone Number	<u>924-530-6894</u>
E-mail Address	<u>KASHISFATE33@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>OFFICER RESTAINO</u>
Job or Title (if known)	<u>NYPD 106 Precinct</u>
Street Address	<u>103-53 101st St, Ozone</u>
City and County	<u>Ozone Park</u>
State and Zip Code	<u>NY 11436</u>
Telephone Number	<u>718-245-2211</u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name
Job or Title
(if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address
(if known)

A form for Defendant No. 2 consisting of eight horizontal lines. A large 'X' is drawn across the entire form, from the top-left corner to the bottom-right corner and from the top-right corner to the bottom-left corner, indicating that the information is redacted or not provided.

Defendant No. 3

Name
Job or Title
(if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address
(if known)

A form for Defendant No. 3 consisting of eight horizontal lines. A large 'X' is drawn across the entire form, from the top-left corner to the bottom-right corner and from the top-right corner to the bottom-left corner, indicating that the information is redacted or not provided.

Defendant No. 4

Name
Job or Title
(if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address
(if known)

A form for Defendant No. 4 consisting of eight horizontal lines. A large 'X' is drawn across the entire form, from the top-left corner to the bottom-right corner and from the top-right corner to the bottom-left corner, indicating that the information is redacted or not provided.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

At 145-38 130th Ave
JAMAICA NY 11436

B. What date and approximate time did the events giving rise to your claim(s) occur?

October 19, 2021

At or around: 7AM - 10AM

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was unlawfully arrested on
my property. I had no charges
filed against me.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I was depressed and sustained
Mental issues.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want the court to grant
me \$50,000 for my unlawful imprisonment
I missed work that day and I was
Arrested for no reason. that was a
defamation of character.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: March, 2022

Signature of Plaintiff



Printed Name of Plaintiff

ENEKAN EDO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
225 Cadman Plaza East Brooklyn NY 11201
Pro Se Office

ENERAN EDO
145-38 1304 Ave
Jamaica NY 11436

